Mapping State-Civil Society Interface in India : A Conceptual Engagement

Ekta Singh

Assistant Professor, School of Public Policy and Governance, Dr. B. R. Ambedkar University Delhi, India

Abstract

In recent times, there has been an increasing concern over Shrinking space for civil society the world over including India. Restrictions on freedom of speech, increasing surveillance and monitoring of civic space, revocation of foreign funding licenses of NGOs, harassment and intimidation of civil rights activists are some of the manifestations that reflect the trend. Concerns have also been raised over rising public intolerance in the civic space marked by bigotry, violence and hate crimes. In light of these recent developments, the paper seeks to conceptually engage with the idea of civil society and its interface with the state as it has evolved in the Indian context. By revisiting the scholarly literature on state-civil society intersection in India, the paper reinforces the need for a contextual understanding of civil society contesting the universalistic claim about the 'emancipatory potential' of civil society.

INTRODUCTION

In recent years, there has been an increasing concern over crippling of civil society in India and misuse of laws to stifle dissent. The developments have been assessed in terms of 'shrinking' civic space in an attempt to 'tame' and 'de-politicize' civil society thereby blunting its potential to act as a watchdog seeking accountability from the state. Given the rising public intolerance and fractures and contestations that characterize civil society in India, we need to pay heed to the shifting power dynamics that inform civil society in the contemporary. More importantly, re-visiting the state-civil society interface as it has evolved in the Indian context becomes imperative to make sense of the present by allowing us to better appreciate the contextual embeddedness of civil society.

Broadly, the paper is organized into five sections. Section II sets the conceptual framework by providing a critical overview of different theoretical paradigms through which the concept of civil society has been understood with particular reference to the notion of 'civic space'. In particular, the section discusses the characteristic ways in which civic space is curtailed or restricted. Section III provides an overview of different shades of state-civil society interface identified in the scholarly literature as a background to make sense of the contemporary moment in Indian politics. Section IV revisits the debates and scholarship on the nature of civil society and state-civil society intersection in the Indian context. Section V maps contemporary trends within civil society landscape in India and by pulling together insights from preceding sections makes a case for understanding recent developments as marking a reconfigured civic space.

Civil Society and Civic Space

The concept of civil society has been subjected to varied interpretations and definitions. Edwards (2014) identifies the scholarly literature on civil society as falling within three broad theoretical traditions. The first school of thought understands civil society as a 'part' of society distinct from states and markets aimed at achieving shared objectives through collective action. The approach captures the variety of voluntary associations or 'the associational life 'often referred to as the 'third sector'. The second school of thought has understood civil society in normative terms as a particular kind of society, 'the good society' underpinned by certain social norms. The third tradition sees civil society as a forum for reasoned discussion and exercise of 'active citizenship', in other words, as a 'public sphere'.

Glasius (2010) has identified five different 'value lens' through which civil society has been understood.
1. Civil society as social capital built upon trust (Putnam)
2. Civil society as citizens active in public affairs (De Tocqueville)
3. Civil society as a domain of non-violence involved in resisting violence (Gandhi)
4. Civil society as a forum for public debate signifying public sphere (Habermas)

5. Civil society as a sphere of counter-hegemony (Gramsci)

The ever rising restrictions mounted on civil society has led commentators to lament the 'shrinking' civic space. It is instructive to understand the analytical distinction between the concepts of 'civil society' and 'civic space' to better grasp the emerging realities. Civic space encompasses the 'multiple factors (including legal, policy, administrative, economic, customary and cultural factors) determining the extent to which members of society are able – either individually or collectively – to engage in civic action or, in other words, the conditions that make a meaningful and vibrant civil society possible (or not) in a given context' (UNDP, 2021).

Civicus (2023), a global alliance of civil society organizations and activists has defined civic space as 'the respect in law, policy and practice for freedoms of association, peaceful assembly and expression and the extent to which the state protects these fundamental rights'. Civicus monitoring tool that characterizes civic spaces as 'open', 'narrowed', 'obstructed', 'repressed', and 'closed' has rated India as 'Repressed' in its 'People Power Under Attack 2023' Report. The official website of United Nations Office of the High Commissioner for Human Rights (OHCHR) defines civic space as 'the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policymaking that affects their lives, including by: accessing information, engaging in dialogue, expressing dissent or disagreement, and joining together to express their views'. Simply stated civic space refers to the 'enabling' environment within which civil society can thrive

Van der Borgh and Terwindt (2012) shed light on the 'shrinking operational space' of Non-Governmental Organizations (NGOs) by developing an analytical framework that illuminates how the constraints on NGOs may differ in different contexts and may also affect the NGOs in different ways. The scholars identify a combination of three variables that together contribute to the constricted environment of NGOs. Firstly, the local political context that encapsulates both state capacity and regime type may shape the degree of manoeuvring space available to NGOs. Second, restrictive policies and actions could be another route which may take the form of physical harassment and intimidation,

criminalisation, administrative restrictions, stigmatization and negative labelling, and pressure on institutionalized spaces of dialogue through either 'co-optation' or 'closure' of newly created spaces. And finally, the features, role and strategies of NGOs themselves may shape the 'operational space' available to NGOs. The framework holds relevance in drawing attention to factors like regime type and state capacity. But more importantly, it allows one to see the differentiated impact on NGOs based on issue area that they focus upon and how. The scholars argue that,as against NGOs engaged in service delivery, those involved in claim making happen to be more vulnerable to restrictions.

The appreciation of the shifting terrain of civic space allows us to grasp the complexity that characterizes actually existing civil societies and to think beyond civil society as necessarily benign and inclusive adhering to liberal norms. The increasing mobilization of illiberal populist forces and their ever increasing clout within the civic space challenges the widely held belief that the civic space is "shrinking" and points towards a reorientation in both its form and substance. At the same time, we also need to acknowledge that the transformation within civic spaces might not always be the effect of state action. Civil society actors may themselves shape and reshape the landscape of civic space based on how they respond, adjust or oppose restrictive state practices(Buyse, 2018; Vertes et al., 2021).

Civil Society and the State

Civil society as a realm does not exist in isolation from the state. Though distinct from the state, civil society is not independent of the state and always exists in particular relationship with the state. Chambers and Kopstein (2009) have identified six shades of state-civil society interface.
1. Civil Society *apart from* the state
2. Civil society *against* the state
3. Civil society *in supportof* the state
4. Civil society *in dialogue with* the state
5. Civil society *in partnership with* the state
6. Civil society *beyond* the state

The characteristics that set the civil society 'apart from' the state are identified as its voluntary nature of participation, its pluralistic nature of activities and existence of a state constrained by rule of law that restricts the interference of the state in the civil society. Civil society understood in this sense presupposes a liberal constitutional order. The idea of civil society 'against' the state invokes the notion of civil society that confronts and often opposes the state. Such an understanding perceives civil society as a domain for protest and dissent, in effect 'politicizing the nonpolitical'. Another way to understand state - civil society interface is when civil society exists in 'creative and critical dialogue' with the state amounting to formation of what Habermas calls as the 'public sphere'. Seen as an extension of civil society, public sphere connotes giving political expression to the ideas and values formed within civil society seeking accountability from the state. Habermas saw 'new social movements' as crucial actors within the public sphere.

Civil society 'in support of' the state looks at it from the vantage point of serving as a platform for inculcation of shared civic culture by transcending pluralism and forging ties of community. Civil society in this disposition functions as 'schools of citizenship'. Concerns however have been raised over any exclusivist agenda that these civic associations can harbor especially in terms of in-group and out-group distinctions. Notably, civil society 'in partnership with' the state takes note of the context of governance where civil society may collaborate with or even substitute the state given the complex tasks of governing. Outsourcing to the third sector, public-private partnerships are the forms that this kind of interface alludes to. There is however a danger that increasing overlap between civil society and state may end up blunting the critical edge of civil society. Scholars have drawn attention to how such practices co-opt civil society in the project of neoliberal governance reforms by substituting what ought to be the responsibilities of the state.

Civil society 'beyond' the state captures the global dimension of civil society which has gained salience under globalization. Given the emergence of issues that transcend national boundaries like climate change, human rights, and terrorism, civil society actors and organizations often forge transnational linkages to garner publicity and bring their agendas to the attention of global audience. Issue-based social movements and NGOs with transnational links have occupied this landscape often working in close collaboration with Intergovernmental Organizations (IGOs). The perspective challenges the tendency to think of developments in civil society through only national

categories. At the same time, concerns have been raised about the 'democratic deficit' that such a development entails.[1]

Having said that, civil society as a distinct realm separate from state, wider politics and economywith its own logic has been contested. State and civil society according to Chandhoke (2003) 'are organically connected through structures of power. The relationship is reciprocal, with the state reflecting the dominant power equation in civil society, and these power equations getting a fresh lease of life through a state that is in complicity with the structuration of power'.

More critical perspectives especially those working within Foucault's governmentality framework, draw attention to how rather than ascribing an objective meaning to civil society, it is important to recognize how the discourse around civil society has historically been intertwined with power dynamics and governance practices, more precisely civil society as a 'technology of governance' (Kutay, 2024).

Timothy Mitchell (1991) arguing from a foucaldian lens argues that 'the edges of the state are uncertain; societal elements seem to penetrate it on all sides, and the resulting boundary between state and society is difficult to determine. 'According to Mitchell, the state is to be analysed "as a structural effect," that is, as reflected in its practices.

Civil Society in the Indian Context: Revisiting the Debate

The relevance and usefulness of the concept of civil society for the Third World has been contested. Unlike the west where the development of the modern state coincided with development and consolidation of an independent civil society, in the Third World, religious and traditional power structures often remained intact resulting in state-civil society relations developing very differently.

Scholars have challenged the undue romanticization of the concept and its emancipatory potential by drawing attention to the pervasive inequality and conflicts that permeate the domain of civil society in India owing to multiple and often cross-cutting social, religious, ethnic and economic cleavages. The colonial experience has resulted in

creating a 'fractured, stratified public culture in which a normative bourgeois public sphere coexists with multiple "subaltern counter publics"' (Bhandari, 2006). More importantly, the state itself remains a black box in the western inspired mainstream conception of civil society. The Indian setting thus complicates the inherited conception of civil society and its interface with the state.

Rodrigues (2014) in emphasizing the multi-layered fabric of civil society in India has identified five significant inclinations that dot civil society in India: 1) institutions professing secular nationalism emphasizing inclusion, equity and non-discrimination 2) institutions built on Gandhian model of swaraj which are critical of state apparatus and instead pin their hopes on local self-governing bodies 3) sensibilities drawing on religiously sanctified values and traditions epitomized by Hindu nationalism 4) sections that see difference and diversity as hallmark of Indian society and intrinsic to Indian nationalism being sensitive to the vantage point of gender, language and regional identity markersand finally 5) those who allude to a rights based model of citizenship and rule of law represented by the burgeoning NGO sector.

There has been an interesting scholarly debate on civil society and its relationship with state, citizenship, and democracy in the Indian context. Revisiting the same is instructive to make sense of the contemporary moment in Indian politics.In underlining the distinction between civil society in the west and the Indian context, Mahajan (1999) has drawn attention to how in the west the emergence of civil society was preceded or accompanied by democratization of state, and societyand was tied to the principle of 'primacy of individual rights' recognized and given priority by the democratic state. Civil society by this logic does not stand beyond or in opposition to the state but 'it symbolises a condition necessary for the existence of a democratic state' This allows Mahajan to argue how civil society requires more than just the existence of rule of law. According to Mahajan, civil society connotes 'a democratic state in which rights of individuals receive priority'.

Andre Beteille (2003) on the other hand defines civil society as a set of 'mediating institutions' which are *open and secular*. In other words, Beteille highlights the importance of autonomy and plurality

---

[1]*The discussion in this section largely draws from Chambers and Kopstein (2009)*

of institutions as symbolic of the health of civil society. Autonomy of individuals against the community and autonomy of institutions against the state is what is required for civil society to flourish in the Indian context.

Contesting Beteille's argument about salience of intermediate institutions within civil society, Gupta (1997) argues that Beteille in his conception of civil society does not pay heed to citizenship. As Gupta puts it, 'As long as intermediate institutions assume rational organisational forms and are internally efficient, they meet Beteille's standard. These institutions then cater not to citizens but clients'. In not making these intermediate institutions accountable to citizens, civil society is separated from considerations of citizenship and state is 'let off the hook' according to Gupta. In similar vein Mahajan (1999) argues that Beteille in arguing that state must not interfere in the functioning of associations and community bodies ends up 'delegitimizing the state and law' and 'ignores the state's role in secularization'. Instead Mahajan puts forth the argument that 'Institutions of civil society are and must be viewed as part of the democratic constitutional state'.

In a more nuanced analysis, Chandhoke (2003) while recognizing state as an 'enabler' of civil society brings forth the crucial role of the state in defining and redefining the civic space. As she puts it,

...the domain of civil society is delineated by the state itself. And states simply happen to have their own notions of what is politically permissible, what is culturally permissible and what is socially permissible. And whereas these notions will *enable* some sections of society, they will necessarily *disable* others. (Chandhoke, 2003, p.244)

Chandhoke further argues how the celebration of civil society by focusing attention on the vibrancy of associations reflecting what Putnam has termed as 'social capital' fails to appreciate the 'context-dependent' nature of social capital (Chandhoke, 2003). In so far as civil society encompasses associations, the Indian context underlines the need to recognize how different kinds of associations may inhabit this domain of civil society which need not necessarily be progressive and inclusive and foster civic engagement. Some associations might be pro-state while others may challenge the legitimacy of the state. Not only do caste, class, religion, and gender define form and substance of associational life but inequalities along these axes also shape 'access' to social capital. At the same time the developments in the wider context may sharpen fault-lines within civil society as evident from the unleashing of forces of Mandal, Mandir and Masjid in India in 1990s and which continue to shape contemporary India (Chandhoke, 2003).

By implication, rather than assuming civil society as symbolizing bonds of solidarity, the picture that emerges of actually existing civil society in India is a 'fragmented, divided, and a hierarchically structured realm' dotted with organizations of all kinds. As Chandhoke elucidates:

Patriarchal forces exist alongside feminist groups. Religious fascists exist along with movements against communalism. Class oppression exists alongside groups organized to fight for redistributive justice. And pro-state associations that further and strengthen the dominant project of society exist alongside those groups that challenge the legitimacy of the state. (Chandhoke, 2003, p.255)

Civil society thus emerges as a '*site for struggle*', a sort of battleground between forces that represent the dominant power structure who are pitted against forces that aim to advance the democratic agenda.

Much ambiguity about the nature and role of civil society in the Indian context is seen as emanating from the failure to grasp its complex relationship with state and market that may exist at any particular juncture. While there is near unanimity amongst scholars about the multiplicity that characterizes civil society in India, there is disagreement over the emancipatory potential of civil society. Partha Chatterjee (2002) who sees civil society as an elite domain that does not incorporate the entire society posits another domain between state and civil society, what he calls 'political society' as epitomizing democracy. As a 'domain of mediating institutions and activities' that lie between civil society and state, 'political society' is inhabited by population groups who are engaged in constant negotiations to press their claims with the political authorities often marked by a stamp of illegality. The authorities in turn deal with them as a matter of 'exception'. While trying to project exclusions of civil society, Chatterjee through the binary between civil and political society ends up reifying civil society as a domain of pure legality and civility which has been criticized. (Gudavarthy, 2012).

While Chandhoke (2003a) despite being critical of civil society sees the potential role of social movements in transforming civil society, Gudavarthy (2013) on the other hand is of the opinion that the transformation cannot be achieved within the framework of civil society precisely because the practices of civil society do not allow for maturation of contradictions leading to a 'blocked dialectics' made possible by increasing 'convergence' between the domains of state, market and civil society. While the state-market convergence is reflected in state's role in actively facilitating the market, the market-civil society convergence is visible in increasing marketization of society and NGOisation. The state-civil society convergence on the other hand is evident in ways in which law reinforces the hierarchies prevalent in civil society. For these reasons Gudavarthy (2013) sees political movements in irreducible conflict 'with' civil society and in doing soemerging as agents of 'politics of post-civil society'.

A Reconfigured Civic Space

If we trace the trajectory of civil society and its interface with the state in India since 1990s, it has been marked by both expansion and contraction. While 1990s was marked by what came to be known as increasing 'NGOization of civil society' inviting the criticism of its de-politicization on one hand and on the other of legitimizing the state's withdrawal from its social responsibilities by stepping in to do what state ought to do (Kamat, 2002;Choudry and Kapoor, 2013). The emergence of Rights-based Campaigns under UPA signalled an expansive space for civil society characterized by movements around Right to Information, Right to Food, and Mazdoor Kisan Shakti Sangathan's mobilization for Right to Work. Not only did the phase mark a confrontationist posture within the civil society but also witnessed civil society's inclination to collaborate to ensure effective governance and public service delivery through mechanisms like social audits and *jansunwais* (public hearings). Civic activism at this stage also infiltrated the state institutions and electoral politics. National Advisory Council (NAC) and the Aam Admi Party (AAP) born out of the Anti-Corruption Movement epitomized the trend.

The change of guard from UPA to NDA however reshaped the future trajectory of civil society in India. While the CAA-NRC protests have revealed the face of civil society 'holding the state accountable and upholding the social contract' (Andersen et.al ed., 2021), the role of civil society during the covid-19 pandemic filling the gap left by state inaction was symptomatic of civil society acting as 'third sector' wherein numerous elements of the civil society ranging from non-profit organizations, individual citizens, NGOs and socially conscious businesses quickly came together to help those in need, particularly domestic migrants.

The contemporary moment is marked by a reconfiguration of civic space. One cannot agree more with Chandhoke (2003)when she suggests how very often 'dominant groups in civil society, far from constituting a sphere that is oppositional to the state, actually defend and extend state power in the domain of civil society'. Mehta (2022) sees the contemporary moment as emergence of a version of 'party state' in India where the Hindu Nationalist party becomes the anchor through which all social mediation happens controlling and mediating all of civil society. At the same time the pressure that the civil society has been subjected to has to be understood in a context where civil society has not been able to mount a concerted front against the onslaught paving the way for the reactionary forces to fill the void (Behar, 2020).

Concluding Observations

Recognition of multiple fault-lines that permeate civil society in India and the diverse voices and orientations housed within it allows us to see the multi-layered nature of civil society in India. Rather than speaking in one voice, different impulses become dominant at different points of time aided and abetted by the state. Civil society thus emerges as a fluid space marked by contestations not only against the state but also against other groups within civil society. To cap it all, it is the balance of power in any society at any given point of time that defines the dominant imagination and nature of civil society in that context.

REFERENCES

Andersen Peter B., Rubya Mehdi and Amit Prakash ed. (2021). *Re-Interrogating Civil Society in South Asia*, Routledge.

Behar, Amitabh (2020, May 28). Civil Society's road to irrelevance, *India Development Review*, Retrieved: https://idronline.org/civil-societys-road-to-irrelevance/.

Beteille, Andre (2003). Civil Society and Its Institutions in Carolyn Elliott ed. *Civil Society and Democracy: A Reader*, Oxford University Press.

Bhandari, Vivek (2006). Civil Society and the Predicament of Multiple Publics, *Comparative Studies of South Asia, Africa and the Middle East*, Volume 26, Number 1, 2006, Duke University Press.

Buyse, A. (2018). Squeezing civic space: Restrictions on civil society organizations and the linkages with human rights. *International Journal of Human Rights*, 22(8), 966–988. Available at https://www.tandfonline.com/doi/full/10.1080/13642987.2018.1492916

Chandhoke, N. (2003). The 'Civil' and the 'Political' in Civil Society in Carolyn Elliott ed. *Civil Society and Democracy: A Reader*, Oxford University Press.

Chandhoke, N. (2003a). *The Conceits of Civil Society*. Oxford University Press.

Chambers, Simone and Jeffrey Kopstein (2009). Civil Society and the State in Dryzek, John S., Bonnie Honig, and Anne Phillips (eds), *The Oxford Handbook of Political Theory*, Oxford Academic.https://doi.org/10.1093/oxfordhb/9780199548439.003.0020

Chatterjee, Partha (2002). On Civil and Political Society in Post-Colonial Democracies in Sudipta Kaviraj and Sunil Khilnani ed. *Civil Society*, Cambridge: Cambridge University Press.

Choudry Aziz and Dip Kapoor ed. (2013). *NGOization: Complicity, Contradictions and Prospects*, London-New York, Zed Books.

CIVICUS Monitor (December 2023). People Power Under Attack 2023. Available at :https://civicusmonitor.contentfiles.net/media/documents/GlobalFindings2023.pdf

CIVICUS. (2020). Civic space monitor. https://monitor.civicus.org/

Choudry, A. and Kapoor, D. ed. (2013). *NGOization Complicity, Contradictions and Prospects*, London and New York: Zed Books

Edwards, M. (2014). *Civil society* (3rd ed.). Polity Press.

Glasius, M. (2010). Dissecting Global Civil Society: Values, Actors, Organisational Forms, Working Paper 14, The Hague, Netherlands:Hivos. Available at: http://www.bibalex.org/Search4Dev/files/360898/193521.pdf

Gudavarthy, Ajay (2013). *Politics of Post-Civil Society: contemporary history of political movements in India*, New Delhi: Sage.

Gudavarthy, Ajay (2012). *Reframing Democracy and Agency in India: Interrogating Political Society*. New Delhi: Anthem Press.

Gupta, Dipankar (May 1997). Civil Society in the Indian Context: Letting the state off the hook, *Contemporary Sociology*, Vol.26, Issue 3.

Kamat, Sangeeta (2002). *Development Hegemony: NGOs and the State in India*, Oxford University Press.

Kutay, Acar (2024). From Social Sphere to Intermediary Association: A Critical Analysis of Civil Society's Neoliberal Transformation, *Critical Sociology*, Vol.50 (1).

Mahajan, Gurpreet (1999). Civil Society and Its Avtars, *Economic and Political Weekly*, Vol.34, Issue No.20.

Mehta, P.B, (2022). Hindu Nationalism: From Ethnic Identity to Authoritarian Repression*, Studies in Indian Politics*, Volume 10, Issue 1, Sage.

Mitchell, Timothy (1991).The Limits of the State: Beyond Statist Approaches and Their Critics, *American Political Science Review*, 85, 77–96.

Rodrigues, Valerian (2014). Elections and Civil Society in India, WAPS 4, Retrieved: https://opus.bibliothek.uni-uerzburg.de/opus4-wuerzburg/frontdoor/deliver/index/docId/10500/file/WAPS4_Elections_Civil_Society_India_pdfa.pdf

OHCHR and Protecting and Expanding Civic Space. Available at: https://www.ohchr.org/en/civic-space

Vertes, S., Van der Borgh, C., &Buyse, A. (2021). Negotiating civic space in Lebanon: The potential of non-sectarian movements. *Journal of Civil Society*, 17, 256–276.Available at:https://dspace.library.uu.nl/bitstream/handle/1874/419129/Negotiating_civic_space_in_Lebanon_The_potential_of_non_sectarian_movements.pdf?sequence=1

van der Borgh, C., and C. Terwindt. (November 2012). Shrinking Operational Space of NGOs –A Framework of Analysis. *Development in Practice*, 22(8), Routledge. Retrieved: https://doi.org/10.1080/09614524.2012.714745.